



## PRAIRIE ISLAND INDIAN COMMUNITY

DEVELOPED BY THE USEPA REGION 5 TRIBAL AND INTERNATIONAL AFFAIRS OFFICE

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## 1.0 TRIBAL HISTORY

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Prairie Island Indian Community Members are descendants of the Mdewakanton Band of Eastern Dakota, also known as the Mississippi or Minnesota Sioux, who were parties to treaties with the United States from 1805 to 1863.

In the treaty of Oct. 15, 1851, the Tribe ceded much of its Minnesota lands to the U.S. government, keeping for itself a 10-mile-wide strip of land on either side of the Minnesota River from Little Rock to Yellow Medicine River. However, the Treaty of June 19, 1858, allotted this land in 80-acre plots to each family head. The surplus land was sold for 10

cents an acre. Reduced to starvation, the Dakota were forced to fight for their survival.

In August 1862, fighting erupted between the Dakota and white settlers because the Dakota were not receiving annuity payments for selling their lands and were struggling to survive. This was known as the Dakota Conflict, resulting in the deaths of many Dakota and whites. Thirty-eight Dakota were hanged in Mankato in December 1862 upon the order of President Abraham Lincoln.

### Dakota Communities

In the aftermath of the U.S.-Dakota Conflict of 1862, Congress abrogated all treaties made with them and the Dakota were forced from their homes in the state. The four Dakota communities were reestablished in their current localities by acts of Congress in 1886. These four Dakota Communities include: Shakopee Mdewakanton located south of the Twin Cities near Prior Lake; Prairie Island located near Red Wing; Lower Sioux located near Redwood Falls; and Upper Sioux whose lands are near the city of Granite Falls. The reservations held today by the four Dakota Communities represent small segments of the original reservation that were restored to the Dakota by Acts of Congress or Proclamations of the Secretary of Interior.

### The Creation of the Prairie Island Reservation

In 1886, the Secretary of the Interior first purchased approximately 120 acres of reservation land at Prairie Island for the landless Mdewakanton residing in Minnesota. Subsequent purchases by the Secretary of the Interior under congressional appropriations, and later the Indian Reorganization Act of 1934, expanded the reservation's borders. Under the Indian Reorganization Act, an additional 414 acres was acquired in trust for the Tribe.

The Tribe has a limited land base. In 1938, the U.S. Army Corps of Engineers built Lock and Dam Number 3, which flooded the Community's land, sacred sites, and burial mounds, and created a larger floodplain, leaving the Tribe with only 300 livable acres. More recently, in 1972, the federal government licensed Xcel Energy (then known as Northern States Power Company) to operate a nuclear power generating plant on the island and later licensed the storage of spent nuclear fuel in dry cask storage containers only three blocks from the community.

Economic revival began taking root in 1984 when Treasure Island Bingo (known today as Treasure Island Resort & Casino) opened, and subsequently expanded in 1988 with the passage of the Indian Gaming Regulatory Act. Revenue from this economic development funds essential governmental, social, health, education and other services for the Tribe's members.

## **2.0 RESERVATION DESCRIPTION**

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The Prairie Island Indian Community is located on an island in the Mississippi River 14 miles north of Red Wing, 30 miles southeast of St. Paul, and about 600 yards from the Xcel Energy nuclear power plant and nuclear waste storage site. The tribal headquarters is located near Welch, Minnesota and has members mainly of the Mdewankanton Band.

As of 2010, there were more than 800 tribal members, approximately half under 18 years of age. Only about half of the tribal membership lives on the reservation (due to limited land base and available housing).

The Reservation includes approximately 1,800 acres of trust land (excluding certain land, discussed below, that is subject to continual flooding by Lock and Dam Number 3). In addition, the Tribe owns approximately 426 acres of taxable fee land at Mt. Frontenac and 249 acres of fee land at the intersection of Hwy. 61 and Hwy 316.

An additional 1,290 acres, known as Parcel D, was acquired in trust for the tribe in 2013. However, this land is subject to the Corps' flowage easement for Lock and Dam Number 3, and cannot be used for the construction of housing, governmental buildings, or any other substantial structure.



Sources : Google Maps (above) and Google Earth (below)

### 3.0 TRIBAL GOVERNMENT STRUCTURE

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The Community is governed by a five-person Tribal Council, which consists of a president, vice president, treasurer, secretary and assistant secretary/treasurer. Tribal Council officials are elected by the members of the Community to two-year terms. Membership into the Prairie Island Indian Community is descendant-based.



From left to right front row – Nicci Lehto (Secretary), Shelley Buck (President), Lucy Taylor (Vice President)

From left to right back row – Melanie Urich (Asst. Secretary/Treasurer), Johnny Johnson (Treasurer)

Tribal Council Administrative Assistant:

Deborah McCoy

651-267-4062

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**Administrative Offices**

Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, MN 55089  
1-800-554-547

**Government Relations**

Blake Johnson  
651-267-4097  
[blake.johnson@piic.org](mailto:blake.johnson@piic.org)

**Public Safety**

Jon Priem, Chief of Police  
651-267-4000  
[jon.priem@piic.org](mailto:jon.priem@piic.org)

**Emergency Planner**

Allison White  
651-385-4178  
[allison.white@piic.org](mailto:allison.white@piic.org)

**Health Services**

Mary Wells  
651-385-4187  
[mary.wells@piic.org](mailto:mary.wells@piic.org)

#### **4.0 ENVIRONMENTAL PROTECTION PROGRAM**

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Prairie Island conducts its environmental and natural resource related work through the tribe's Land and Environment department. The Dept. consists of three full time staff and seasonal and part-time interns and technician staff. There is a Water Resource Specialist who primarily specializes in monitoring and addressing water quality issues and education. The Non-point Source Pollution Coordinator specializes in addressing non-point source pollution issues on tribal lands through mitigation and outreach. The Environmental Program Manager oversees the department and specializes in environmental policy, land management and natural resource work such as habitat restoration and wildlife. The staff represents

the tribe on environmental issues outside the tribe as well, such as state and federal policy or multi-agency or inter-tribal projects or issues.

Land and Environment Office  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089  
(651) 385-4115

#### **Environmental Program Manager**

Gabe Miller  
651-385-4141  
[gabriel.miller@piic.org](mailto:gabriel.miller@piic.org)

### **5.0 TRIBAL AUTHORITIES FOR NATURAL RESOURCE AND ENVIRONMENTAL MANAGEMENT**

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EPA funding to support the Environmental Protection Program is provided through a Performance Partnership Grant (PPG) that includes funding under the Indian Environmental General Assistance Program, Brownfields 128(A) and the Clean Water Act Section 106 Water Resources Program. The current PPG includes activities to maintain and enhance capacity for environmental protection programs, Infrastructure Compliance assistance (UST, public water and wastewater systems), Climate Change and Air Quality, Water Quality Protection, Education and Community Outreach on environmental issues, Brownfields 128a and emergency response.

For the period 4/1/17 to 3/31/19, the Tribe was awarded a PPG in the amount of \$482,722:

- Nonpoint Source (Sec. 319) \$130,000
- Pollution Control (Sec. 106) \$100,000
- Tribal General Assistance Program \$212,300
- Unknown \$40,422

#### **Federal Authorities**

- Authorization received for CAA Section 103.
- Authorization received for CWA section 106.
- Authorization received for CWA Section 319.

#### **Tribal Ordinances Addressing Environmental Issues**

- Flood Damage and Prevention Ordinance

### **6.0 EPA REGULATED FACILITIES/SITES**

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When EPA and the Forest County Potawatomi develop the joint Tribal Environmental Agreement (TEA), the universe of facilities/sites regulated by EPA is reviewed and updated. The current TEA identifies the following facilities and associated activities:

| Facilities/Sites            | Projected EPA Activities  | Associated Tribal Activities  |
|-----------------------------|---|---|
| Clean Air Act Major Sources | <ul style="list-style-type: none"><li>• EPA will work with the tribe to determine if minor sources meet the threshold</li></ul> | <ul style="list-style-type: none"><li>• Tribe can assist EPA in ground truthing source inventory to determine</li></ul> |



|   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Treasure Island Resort &amp; Casino – Red Wing, MN [PSD-PI-R5-0003-0001]</li> <li>• Treasure Island Resort &amp; Casino Generation Facility – Red Wing, MN [PSD-PI-2704900084-2012-02]</li> <li>• Treasure Island Resort &amp; Casino Generation Facility – Red Wing, MN Part 71 Renewal [V-PI-2704900084-2012-10, expires 11/26/17]</li> <li>• Treasure Island Resort &amp; Casino Generation Facility – Red Wing, MN Part 71 Administrative Amendment 902/25/13)</li> </ul> <p>Clean Air Act Minor Sources</p> <ul style="list-style-type: none"> <li>• Treasure Island Resort &amp; Casino – Red Wing, MN Part 71 Minor Modification [V-PI-2704900084-2012-12, expires 03/06/19]</li> <li>• Dakota Station</li> <li>• Prairie Island Indian Community Administration Building</li> <li>• Prairie Island Indian Community Wastewater Building</li> </ul> | <p>requirements for a Part 49 permit under the Tribal Minor New Source Review Rule.</p>   | <p>if additional facilities are on tribal land.</p>  |
| <p>Clean Water Act Individual NPDES Permits</p> <ul style="list-style-type: none"> <li>• Prairie Island Community WWSL [MN-0061336] expires November 2015</li> <li>• Pesticide General Permit (PGP) for Discharges from the Application of Pesticides, expires October 2016</li> </ul>  | <ul style="list-style-type: none"> <li>• On a quarterly basis, Water Division (WD) will review reports of NPDS permit discharge violations, and as appropriate take action to return dischargers to compliance with permit conditions.</li> <li>• WD will notify NPDES permits 180 days prior to the expiration date that a renewal application should be submitted. WD will send a copy of the draft permit to the Tribe prior to public notice for review and comment.</li> </ul> | <ul style="list-style-type: none"> <li>• Maintain CWA Section 106 program, including surface water quality data collection and analysis activities.</li> </ul> |

|  |  |  |
|--|--|--|
| <p>Safe Drinking Water Act Public Water Supply Systems</p> <ul style="list-style-type: none"> <li>Prairie Island [C-055294502] Systems:</li> </ul>                         | <ul style="list-style-type: none"> <li>WD will review required monitoring reports from public water supply systems, and if violations are noted work with the facilities to return to compliance.</li> <li>WD has an Inter-Agency Agreement with the Indian Health Service to provide support for a Tribal Utility Consultant. The TUC will conduct annual sanitary surveys at community water systems.</li> </ul> | <ul style="list-style-type: none"> <li>Update source water assessment/protection plan to include climate change for the community drinking water system.</li> <li>Implement the source water protection plan.</li> </ul> |
| <p>Safe Drinking Water Act Underground Injection Control (UIC) Wells</p>   | <ul style="list-style-type: none"> <li>WD will coordinate with the Tribe as needed to ensure that any updates to the inventory of UIC wells are documented.</li> </ul>   | <ul style="list-style-type: none"> <li>Coordinate with EPA as needed on any new facilities or changes in status of existing facilities.</li> </ul>   |
| <p>Resource Conservation and Recovery Act Hazardous Waste Generators: UST</p> <ul style="list-style-type: none"> <li>Prairie Island [C-055294502] Systems: LUST</li> </ul> | <ul style="list-style-type: none"> <li>Land and Chemicals Division will ensure that the USTs are inspected by at least once every three years, and if violations are noted work with the Tribe and facility to return to compliance</li> </ul>   | <p>None identified</p>   |
| <p>Asbestos Hazard Emergency Response Act</p>  | <p>None identified</p>   | <p>None identified</p>   |

The current TEA can be found in appendix 2.

**CONSTITUTION AND BY-LAWS OF THE PRAIRIE ISLAND INDIAN COMMUNITY IN MINNESOTA**

**PREAMBLE**

We, the Minnesota Mdewakanton Sioux residing on the Prairie Island Reservation under the Pipestone jurisdiction in the State of Minnesota, in order to form a more perfect union, develop our natural resources, insure our domestic tranquility, promote the general welfare, to enjoy certain rights of home rule, to provide education in schools of higher learning including vocational, trade, high schools, and colleges for our people, and to secure the opportunities offered us under the Indian Reorganization Act, do hereby establish the following Constitution and By-laws; and we solemnly affirm that it is our earnest intention faithfully to support, respect, and promote the integrity of the Constitution of the United States and the Constitution of the State of Minnesota, together with all laws pertaining thereto which are the constituted authority of our commonwealth.

**ARTICLE I—NAME**

Section 1. The name of this organization shall be the “Prairie Island Indian Community in the State of Minnesota.”

**ARTICLE II—TERRITORY**

Section 1. The territory of the Prairie Island Indian Community shall be all the land now held in trust by the United States for the Minnesota Mdewakanton Sioux Indians within the confines of the Prairie Island Indian Reservation, and shall include such other lands as may in the future be acquired within or without said boundary lines by the Department of the Interior or by the Community for our use in the State of Minnesota.

**ARTICLE III—MEMBERSHIP**

Section 1. Membership in the Prairie Island Indian Community in the State of Minnesota shall consist of the following:

Those persons whose names appear on the approved membership roll of the Prairie Island Indian Community dated June 15, 2004, all of whom are persons of Minnesota Mdewakanton Sioux descent duly enrolled under the provisions of Article III of the Prairie Island Constitution as approved on June 20, 1936. The approved membership roll of June 15, 2004 shall be the Base Roll.

All biological children of any member of the Prairie Island Indian Community, provided that a completed membership application and proof of parentage demonstrated by genetic testing are submitted for such a child within six months of birth, except that this time limitation shall not apply to applicants who were placed for adoption.

Section 2. The Community Council may make ordinances governing the acquisition and loss of membership, provided that no Base Enrollee under Section 1(a) or any biological child of a Base Enrollee duly enrolled under Section 1(b) shall be disenrolled without his or her consent.

Section 3. No person shall be admitted to membership in the Prairie Island Indian Community if that person is also a member of another Indian tribe.

Section 4. The administration of the foregoing powers and of all by-laws and ordinances affecting community membership, shall be vested in the membership committee. The acts of such committee shall be subject to review by the Community Council.

Section 5. Nothing contained in this Article shall be construed to deprive any Mdewakanton Sioux Indian enrolled as a member of the Prairie Island Indian Community of any vested right.

#### ARTICLE IV—GOVERNING BODY

Section 1. The governing body of the Community organization shall be called “The Community Council of the Prairie Island Indian Reservation”, and shall be composed of five members who shall be duly elected by secret ballot by the qualified voters of the Community.

Section 2. The first election of councilmen under this Constitution and Bylaws shall be called and conducted by a provisional election committee appointed by the present community committee under such rules and regulations as the community committee may prescribe. At said first election, councilmen shall be elected for a term of two (2) years. Each elective officer shall have the right of reelection at the expiration of his term of office.

Section 3. The provisional election committee provided for in Section 3 of this Article shall issue an election certificate to those members of the Community Council so elected. Said members of the Community Council receiving such certificates of election shall meet and organize for business and shall elect from their membership by secret ballot one president, a vice president, a secretary, a treasurer, and an assistant secretary-treasurer, who shall hold office for a term of two years or until their successor is elected. At the expiration of such term of office, election of officers shall be had for each succeeding term of two years.

Section 4. The Community Council shall have authority to appoint subordinate officers, boards, and committees.

Section 5. The Community Council shall at its first meeting after election choose and appoint from among the community members the following department chairmen:

A Land Chairman. To him shall be referred all matters pertaining to the parcelling, exchange or distribution of all lands within the confines of the Prairie Island territory. He shall handle all matters pertaining to said lands and their proper use in such manner as the Council prescribes and regulates. In all cases of assignment of acreage to anyone entitled to receive such, he shall make his recommendations and findings to the Council, and the Council shall take such action as they think proper.

An Agricultural Chairman. He shall have charge and management of community farm projects, the promotion of economical farm management, and shall cooperate in the adoption and promotion of any recommendations of Federal and State agricultural experts.

A Forest and Conservation Chairman. He shall direct the management, protection and cultivation of all wood lots and forest areas so that a sustained yield is insured, and shall have charge of and promote the

conservation and protection of all wild life and game within the confines of the reservation, in cooperation with constituted authorities.

A Public Welfare Chairman. He shall have charge of all matters relative to the public welfare of the Community, such as public health, employment, safety, law and order, and other duties which the Council may prescribe.

## ARTICLE V—POWERS

Section 1. Enumerated Powers. The Community Council shall exercise the following powers, subject to any limitations imposed by the Constitution or Statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and By-laws:

To negotiate with the Federal, State, and local governments on behalf of the Community, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Prairie Island Indian Community.

To employ counsel for the protection and advancement of the rights of the Community and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

To approve or veto any sale, disposition, lease, or encumbrance of community lands, interests in lands, or other community assets.

To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Community prior to the submission of such estimates to the Bureau of the Budget and to Congress. (e) To make assignments of community land to members of the Community in conformity with Article IX of this Constitution.

To manage all economic affairs and enterprises of the Community in accordance with the terms of a charter which may be issued to the Community by the Secretary of the Interior.

To appropriate for public purposes of the Prairie Island Indian Community available funds within the exclusive control of the Community and, subject to review by the Secretary of the Interior, any other available community funds.

To levy assessments upon members of the Community for the use of Community property and privileges, and to permit the performance of reservation labor in lieu thereof, and to levy license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation; provided, however, that any such assessment upon members of the Community shall have the approval of the Community at a special election at which at least thirty per cent of those entitled to vote shall vote.

To safeguard and promote the peace, safety, morals, and general welfare of the Community by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the Community shall be subject to review by the Secretary of the Interior, and provided further that non-restricted property of members which was obtained outside of any help or assistance of the United

States Government or the Community may be disposed of without restrictions.

To establish ordinances, subject to review by the Secretary of the Interior, providing for the maintenance of law and order upon the Reservation and for the establishment of courts to enforce such ordinances.

To regulate the manner of making nominations for Community officers and of holding community elections.

To adopt resolutions regulating the procedure of the Community Council itself and of other community agencies and community officials.

To encourage and foster the arts, crafts, traditions, and culture of the Mdewakanton Sioux Indians of Minnesota.

To charter subordinate organizations for economic purposes and to regulate the activities of all such organizations under ordinances which shall be subject to review by the Secretary of the Interior.

To protect and preserve the property, wild life and natural resources of the Community.

To delegate to subordinate boards, or community officials, or to cooperative associations, which are open to all members of the Community, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

To select delegates to sit in the annual conference of the Minnesota Mdewakanton Sioux Indians and in the National Council of the entire Sioux Nation.

Section 2. Any resolution or ordinance which, by terms of this

Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of this jurisdiction, who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the

Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety days from the date of its enactment, rescind the said ordinance or resolution for any cause by notifying the Community Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten days of its enactment, he shall advise the Community Council of his reasons therefor. If these reasons appear to the Community Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve, the same in writing, whereupon the said ordinance or resolution shall become effective.

Section 3. Future Powers. The Community Council may exercise such further powers as may in the future be delegated to the Community by the Secretary of the Interior, or by any duly authorized official or agency of government or by any member of the Community.

Section 4. Reserved Powers. Any rights and powers heretofore vested in the Minnesota Mdewakanton Sioux Indians in respect to any interest or affairs of the Prairie Island Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people

of the Prairie Island Indian Community of Minnesota, through the adoption of appropriate by-laws and constitutional amendments.

#### ARTICLE VI—ELECTIONS

Section 1. Upon adoption and final approval of this Constitution, an election shall be held for the selection of members of the Community Council as provided in Article IV. Elections thereafter shall be held every two years, and not less than thirty days before the expiration of the term of office of the members of the Council.

Section 2. The Community Council shall by ordinance establish the date and manner of control of the elections.

Section 3. At a meeting of the Council previous to any election, the Council shall appoint two judges and two clerks of election from among the qualified voters who are not candidates for office. It shall be the duty of those officers of election properly to conduct the election. They will certify the result of said election to the Community Council, who in turn will formally notify the successful candidates of their election. They shall also formally notify the

Superintendent of the Pipestone jurisdiction as to the result of said election.

Section 4. Any qualified voter who is in good standing shall be considered as an eligible candidate for office.

Section 5. In order to acquire the right of franchise, a voter must qualify by having reached the age of 18 years and be an enrolled member of the Community.

Section 6. Absentee voting shall be allowed.

#### ARTICLE VII—REMOVAL

Section 1. The removal from office of a member of the Community Council shall be as follows: In the event of a complaint in writing, charging misconduct, neglect of duty signed by 30% of the enrolled eligible voters of the tribe, against a member of the Community Council, it shall be the duty of the Community Council to immediately forward the petition to Tribal Court and furnish a copy to the accused. The Tribal Court shall then meet in open session to hear testimony of the accused. If the Tribal Court is satisfied of the truth of the Complaint the Tribal Court will then remove said officer and shall have the power to assess other penalties. The officer will not be allowed to run for re-election until after his current term would have expired had the officer remained in office.

Section 2. In the event of the death, removal from the Community, resignation, or conviction of a felony or misdemeanor involving dishonesty of any member of the Community Council, the remaining members shall declare that a vacancy exists and shall formally call a special election for the filling of such vacancy. At such election, any councilman removed by the Council may refer his case to the people by seeking re-election. However, if such vacancy occurs within ninety days before a general election, the Council may appoint some qualified member of the Community to complete the unexpired term.

## ARTICLE VIII—REFERENDUM

Section 1. Any exercise of any enumerated powers lodged in the Community Council shall be subject to a referendum vote of the people upon a written petition signed by not less than twenty-five per cent of the total number of voters in the last regular election, provided that not less than thirty per cent of the eligible voters shall vote in any such referendum.

## ARTICLE IX—LAND

Section 1. Land Assignments. The land within the territory of the Prairie

Island Indian Community which was purchased by the United States for the Mdewakanton Sioux residing in the State of Minnesota on May 20, 1886, and their descendants, may be assigned to any Minnesota Mdewakanton Sioux entitled thereto and may not be assigned to any other person although such person is a member of this Community. However, land purchased by or for the Prairie Island Indian Community may be assigned to any member of the Community.

Section 2. All applications for the assignment of land shall be made to the Community Council. In the case of an application for an assignment of the land above referred to, bought for certain Mdewakanton Sioux of Minnesota, the Council shall recommend to the Superintendent of the jurisdiction what action shall be taken. If the Superintendent, after consultation with the Council and the interested parties, disagrees with the final recommendation of the Council, he shall refer the case to the Commissioner of Indian Affairs.

All assignments under this section shall be granted by or under the direction of the Secretary of the Interior, and evidenced by a certificate of assignment, which certificate shall be of the same force and effect as certificates of assignment issued previous to the organization of this Community. Such an assignment shall be known as a "Minnesota Mdewakanton Sioux Assignment."

Section 3. In the case of an application for an assignment of land which has been bought by or for this Community, the Council may approve or reject such application. The action of the Council shall be final and such action shall be reported to the Superintendent of the Pipestone jurisdiction within ten days. An assignment under this section shall be known as a "Community Assignment".

Section 4. In any assignment of land, preference shall be given, first, to heads of families of Indian blood who are without land; and, secondly, to heads of families of Indian blood which shall have already received assignments consisting of less than an economic unit of agricultural land or other land of equal value, such economic unit to be determined by the Community Council in ordinances which shall be subject to review by the Secretary of the Interior or his designated representatives. If either the husband or wife is not of Indian blood, such person is not to be considered as the head of a family under this section.

The Community Council may, if it sees fit, charge a fee of \$5.00 on approval of an assignment made under section three.

Section 5. No family shall at any time hold more than one assignment of land; provided, however, that the Community Council may take into consideration the economic needs of a large and small family, a family being defined as a husband and wife, living together as such, whether there be children or not. In



the event of a legal divorce or separation and there be children, the parent who provides for and maintains a home for the children shall be considered as the head of the family.

Section 6. If the holder of any land assignment absents himself, with his family, from residence upon his assignment for a period of two years, such absence becomes evidence that he has relinquished his claim to such assignment. It shall then be the duty of the Community Council, provided reasonable notice has been given, to declare the assignment vacated and notify the Superintendent of the Pipestone jurisdiction.

Any holder of a land assignment, excepting the aged and disabled within the confines of the corporate area, shall personally cultivate and use said land to the best of his ability, and cooperate with Federal and State experts for the proper development of the land.

Section 7. The Community Council may make all further regulations, by ordinances, as shall be necessary governing the use, lease under exceptional conditions, and inheritance of assigned land; provided, however, that such ordinances shall be subject to review by the Secretary of the Interior in so far as they may affect "Minnesota Mdewakanton Sioux Assignments."

Section 8. Any holder of a land assignment who willfully neglects to make proper use of his assignment according to the ordinances prescribed by the Community Council governing the use and cultivation of such land, shall have his certificate of assignment subject to cancellation. It shall be the duty of the Community Council to warn such a person of the possibility of the loss of his assignment. If the assignee continues to neglect to make proper use of his land, it shall be the duty of the Community Council to notify the Superintendent of the Pipestone jurisdiction, who shall then take such action as he may deem necessary looking toward the proper cultivation and improvement of the land.

Section 9. Any member of this Community who shall transfer any land of which he is the owner to the United States in trust for this Community shall be entitled to an assignment of the same land or of other available land of equal value.

Section 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Prairie Island Indian Community, and, if the improvements are made upon any "Minnesota Mdewakanton Sioux Assignment", they may also be willed to and inherited by any Minnesota Mdewakanton Sioux Indian entitled to such an assignment. When improvements are not possible of fair division, the Community Council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any community or assigned land without the consent of the Community Council.

Section 11. No member of the Prairie Island Sioux Indian Community may use or occupy community lands except under an assignment or lease.

Section 12. Unassigned land shall be managed by the Community Council for the benefit of the members of the entire community in accordance with the regulations prescribed by the Secretary of the Interior under Section 6 of the Act of June 18, 1934, (48 Stat. 984).

Section 13. Community funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Prairie Island Indian Community.

## ARTICLE X—GAME LAW

Section 1. It is hereby understood that any and all treaties assuring the rights and privileges of people of Indian blood the right to hunt and fish are not affected by anything in this Constitution.

## ARTICLE XI—COURT OF DOMESTIC RELATIONS

Section 1. The Community Council is hereby authorized to establish a Court of Domestic Relations for the proper handling of all misdemeanors and disputes, and for the maintenance of law and order within the limits and jurisdiction of the Community.

## ARTICLE XII—MINERAL RIGHTS

Section 1. The Prairie Island Indian Community shall have authority to protect and develop all mineral resources to which it now has, or hereafter shall have, title.

## ARTICLE XIII—AMENDMENTS

This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Prairie Island Indian Community voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a written resolution of the Community Council signed by at least three members of the Council.

## **BY-LAWS FOR THE**

### **PRAIRIE ISLAND INDIAN COMMUNITY IN MINNESOTA**

#### ARTICLE I—DUTIES OF OFFICERS

Section 1. The President of the Community Council shall preside at all meetings of the Council. He shall at all times have general supervision of the affairs of the Community. It shall also be the duty of the President to countersign all checks against funds of the organization.

Section 2. The Vice President shall preside at all meetings of the Community Council in the absence of the President, and shall act in his stead in all matters pertaining to the office of President.

Section 3. The Secretary shall keep an accurate record of all proceedings of the Community Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the Community Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Community Council and the Community. All official records of the Secretary shall be open to inspection to the members of the Community at all reasonable times.

Section 4. The Treasurer shall be the custodian of all funds in the possession of the Community from any source. At such time as the Community Council or the Secretary of the Interior shall deem necessary, he shall give a bond with a surety company of recognized standing in an amount to be determined by the

Community Council, such surety and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all community funds and shall disburse the same in accordance with the vote of the Community Council. The books of the Treasurer containing the financial status of the Community shall be open to audit and examination by duly authorized officers of the Secretary of the Interior at all times, and shall be open to inspection by members of the Community Council and its officers.

Section 5. The Assistant Secretary-Treasurer shall act as assistant to the Secretary and Treasurer of the Community, and shall be empowered to transact business in their stead in case of their absence from the Community or their inability through sickness or otherwise to perform the duties of their office. He shall give bond upon the same conditions as the Treasurer.

#### ARTICLE II—OATH

Section 1. All officers when elected shall be duly installed and shall subscribe to an oath of office to support the Constitution of the United States and this Constitution. Such officers may be sworn in by any officer qualified to administer an oath.

#### ARTICLE III—SALARIES

Section 1. No salaries from Community funds shall be paid nor changed in amount unless approved by the members of the Community at a referendum.

Section 2. The members of the Community Council or their designated representatives shall be reimbursed from funds within the exclusive control of the Community for any legitimate or reasonable expenditure or expense incurred by them and paid for from personal funds, while acting for the Community in its management, when approved by the Community Council.

#### ARTICLE IV—MEETINGS

Section 1. Stated meetings of the Community Council shall be held the first Friday of January, April, July, and October. Called meetings shall be held at the discretion of the President or upon request of three members of the Community Council. Three days written notice of called meetings shall be given to all Council members.

Section 2. Three members shall constitute a quorum.

Section 3. The Community Council shall prescribe such rules of order for its meetings as it desires.

Section 4. The meetings of the Community Council shall be public to all members of the Community except all executive sessions.

#### ARTICLE V—COOPERATION

Section 1. The Community Council shall work in very close cooperation with the Indian Service and various departments of the United States Government and the State of Minnesota in matters of charity, education, recreation, social work, and public health.

## ARTICLE VI—ADOPTION OF CONSTITUTION AND BY-LAWS

Section 1. This Constitution and By-laws, when ratified by a majority of the qualified voters of the Minnesota Mdewakanton Sioux residing on the Prairie Island Reservation of Minnesota, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

### CERTIFICATION OF ADOPTION

Pursuant to an order, approved April 23, 1936, by the Secretary of the Interior, the attached Constitution and By-laws were submitted for ratification to the members of the Minnesota Mdewakanton Sioux residing on the Prairie Island Reservation under the Pipestone jurisdiction in the State of Minnesota and were on May 23, 1936, duly adopted by a vote of 35 for, and 4 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

*MOSES WELLS*

Chairman of Election Board

*WALTER LEITH*

Chairman of the Community Council

*GRACE ROUILLARD*

Secretary

J . W. BALMER, Superintendent I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Minnesota Mdewakanton Sioux residing on the Prairie Island Reservation under the Pipestone jurisdiction in the State of Minnesota.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to the members of the Minnesota Mdewakanton Sioux residing on the Prairie Island Reservation under the Pipestone jurisdiction in the State of Minnesota.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended: June 12, 1936

*JOHN COLLIER*

Commissioner of Indian Affairs.

*HAROLD L. ICKES*

Secretary of the Interior.

[SEAL]

June 20, 1936 Washington, D.C.

## **APPENIX 2: TRIBAL ENVIRONMENTAL AGREEMENT**

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### **Prairie Island Indian Community and U.S. Environmental Protection Agency Region 5**

#### **Tribal Environmental Agreement October 2015 – March 2019**

##### **Section I: Purpose, Description and Use**

The purpose of this Agreement is to define mutual roles and responsibilities for environmental program implementation on the Prairie Island Indian Community (PIIC) reservation. This Agreement identifies the Prairie Island Indian Community environmental program priorities, including capacitybuilding and program implementation goals; EPA program priorities and management requirements; known regulated entities on the reservation; and specific actions that EPA and the Tribe will take consistent with their authorities.

This written, shared understanding will allow both the Tribe and EPA to ensure work is being done in support of agreed upon priorities and that progress is being made over time. Periodically, the Region 5 Indian Environmental Office will meet with tribal staff to discuss the status of EPA and tribal activities related to the tribal environmental program priorities and implementation of the federal environmental statutes. It is also anticipated that this document will be used during the development of Indian Environmental General Assistance Program (GAP) and other EPA funding program work plans.

##### **Section II: Tribal Environmental Program Priorities**

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| <b>Tribal Environmental Program Priority 1:</b> Impacts of off-Reservation development. |
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| <p><b>Priority Description:</b> The Prairie Island Nuclear Generating Plant (PINGP) is on Prairie Island immediately adjacent to PIIC lands. PIIC is very concerned with radiological and other airborne pollutants, especially those impacting our food resources, such as culturally-important plants and animals, and the health of the community. Accidental and routine radiological releases from the PINGP are a constant concern to Community members. Moreover, PINGP stores spent nuclear fuel in dry-cask storage containers just 600 yards from the nearest Community residences. The Independent Spent Fuel Storage Installation (ISFSI) currently holds 29 dry storage casks, which hold a total of 1160 spent fuel assemblies. The state of Minnesota issued a permit to store up to 48 dry storage casks of spent radioactive fuel on-site in the ISFSI, and has issued a certificate of need for additional casks. Also, PINGP recently completed the re-licensing process to operate for an additional 20 years starting in 2013 and already has plans to store up to the permitted 48 casks and will apply for a permit to store more casks in the future.</p> |   |   |  |
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| <p><b>Primary Tribal Contact:</b> Kyle Herdina, Department of Land and Environment Manager, (651) 385-4165, kherdina@piic.org <b>Primary EPA Contact:</b> Mike Murphy, (312) 353-6686, murphy.michael@epa.gov</p>   |   |   |  |
| Long-Term Environmental Program Development Goals   | Intermediate Program Development Milestones   | Plans to Manage Authorized Environmental Programs                                     | EPA Assistance Needed to Accomplish Proposed Action  |
| We wish to re-establish a radiological monitoring station to respond quickly if necessary and ensure we have long-term  | Work cooperatively with EPA National Air and Radiation Division to sample rainwater for radiological  | Continue utilizing EPA GAP funds to provide staff time to collaborate with the EPA in | 1. Funding to support FTE to develop and re-establish a radiological monitoring program.   |
| reliable data as more radiological waste is stored on-site to assure continued protection of air quality and human health. Install a real time radiological monitor and establish a Quality Assurance Project Plan for monitoring activities.   | contamination. Continue operation of a continuous gamma monitor that provides data on gamma radiation from PINGP and the ISFSI. Much of the monitoring equipment is outdated, no longer operational, and no longer supported under current EPA efforts. The Tribe will continue working with the EPA to replace and re-establish an air sampler for alpha and beta radiation. | developing and reestablishing radiological monitoring efforts.                        | Funding to replace radiological samplers that are outdated and no longer working.<br><br>Technical assistance to support development of new Quality Assurance Project Plans for monitoring activities. |
| <p><b>EPA Actions to Support Tribal Priority:</b> The Prairie Island Nuclear Generating Plant is licensed by the State of Minnesota and the Nuclear Regulatory Commission. The Air and Radiation Division and EPA's National Analytical and Radiation Environmental Laboratory (NAREL) will continue to provide technical assistance to support the PIIC's efforts to develop an enhanced radiological monitoring station. EPA can also provide education and outreach and information on radiation health and safety issues.</p>   |   |   |  |

| <b>Tribal Environmental Program Priority 2:</b> Development and implementation of an air quality program.   |   |   |  |
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| <p><b>Priority Description:</b> PIIC has newly established a Tribal air program under the Clean Air Act 103. PIIC is working to provide education and services to Community members to promote a healthy air shed. PIIC is conducting assessments of public buildings on Tribal land. PIIC would like to expand the indoor air program to include assessments of private homes, increasing our capacity to provide residents with the expertise required to manage and prevent indoor air problems and associated human health risks. Goodhue County is in a high risk zone for radon, therefore PIIC is looking to expand the indoor air program to provide test kits and baseline monitoring for the community. Further, PIIC is working to develop an Emissions Inventory (EI) in order to assess local air quality issues and expand our expertise. PIIC is interested in participating in analysis of regional air quality issues, especially ozone and particulates due to close proximity to the Twin Cities. PIIC is looking to pursue additional funding sources to allow for expansion of the air program in this manner.</p> |   |   |  |
| <p><b>Primary Tribal Contact:</b> Leya Klingsporn, Environmental Health Specialist, (651) 385-4115, lklingsporn@piic.org<br/> <b>Primary EPA Contacts:</b> Fayette Bright, (312) 886-6069, bright.fayette@epa.gov<br/> Benjamin Giwojna, (312)-886-0247, giwojna.benjamin@epa.gov</p>   |   |   |  |
| Long-Term Environmental Program Development Goals   | Intermediate Program Development Milestones   | Plans to Manage Authorized Environmental Programs | EPA Assistance Needed to Accomplish Proposed Actions   |
| 1. Maintain Tribal capacity to manage and implement an air quality program on the Reservation.  | 1. Complete an air emissions inventory to identify priorities of the air program to determine known levels of emission and the types of   | Authorization received for CAA Section 103.       | 1. Funding to support FTE to complete intermediate program development milestones.   |
| 2. Pursue authorization of CAA Section 105.   | monitoring activities needed to determine the impact on human health.<br>2. Establishing an ambient air monitoring program to establish baseline data in order to pursue CAA Section 105 funding. |   | 2. Assist the Tribe in guidance and technical assistance in the current CAA 103 program and in development of an ambient air quality in order to obtain a CAA 105 program. |



**EPA Actions to Support Tribal Priority:** The Air and Radiation Division (ARD) posts an annual funding announcement to solicit proposals from all Region 5 Tribes for Clean Air Act funding to support programmatic, ambient and indoor air quality, tribal monitoring activities, and baseline assessment activities. ARD supports indoor air quality (IAQ) and radon testing as necessary, and can work with the Prairie Island Indian Community (PIIC) to find appropriate funding sources for these objectives. Additionally, ARD can coordinate with the Indian Environmental Office to leverage General Assistance Program funding to perform this task in light of reduced funding in the State Indoor Radon Grant Program. ARD will coordinate with the PIIC to ensure that all quality assurance requirements are met and an approvable quality assurance project plan is developed in a timely fashion, if necessary. ARD can also assist the PIICS in forming partnerships to help attain these IAQ and radon goals and objectives and also recommends that the tribe link into the radon information available from EPA: U.S. EPA: <http://www.epa.gov/iaq/radon/index.html>. ARD will provide outreach on the Tribal Authority Rule eligibility process and relevant Clean Air Act (CAA) authorities that will help the Tribe address its ambient air quality concerns and make informed decision regarding its long-term air program planning.

**Tribal Environmental Priority 3:** Investigate water quality conditions and ensure that the Tribal Community's health is protected and water bodies are able to support a healthy and natural ecological system.

**Priority Description:** The Reservation is located on an island on the Mississippi River and contains a considerable amount of rivers, lakes, and wetlands. Without good water quality data, it would be difficult for the Tribe to evaluate potential impacts and develop appropriate water quality standards and protection programs.

**Primary Tribal Contact:** Kyle Herdina, Department of Land and Environment Manager, (651) 385-4165, [kherdina@piic.org](mailto:kherdina@piic.org)

**Primary EPA Contacts:** David Horak, (312) 353-4306, [horak.david@epa.gov](mailto:horak.david@epa.gov)

Mari Nord, 312-886-3017, [nord.mari@epa.gov](mailto:nord.mari@epa.gov)

| Long-Term Environmental Program Development Goals   | Intermediate Program Development Milestones  | Plans to Manage Authorized Environmental Programs | EPA Assistance Needed to Accomplish Proposed Actions       |
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| 1. Establish a baseline of water quality condition for all waters for all pertinent uses over a set time frame. Assess whether water quality criteria are being met and beneficial uses are being | 1. Continue to implement and build and expand a robust water quality monitoring program that helps in determining the quality of water on the Reservation, high priority areas | Authorization received for CWA section 106.       | Funding to support FTE to complete intermediate milestones |

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| supported for tribal water bodies.<br><br>2. Establish baseline biological information that acts as an indicator of water quality on the Prairie Island Indian Community including; riparian habitat information, macro-invertebrate surveys, and aquatic plant surveys.   | of concern, and potential threats to the Reservations aquatic resources.<br><br>2. Re-establish biological monitoring, as funding allows, on monitoring activities that act as indicators of water quality and aquatic health of the reservations waters. |  |  |
| <b>EPA Actions to Support Tribal Priority:</b> Water Division will continue to support the Tribe in their activities under their Clean Water Act (CWA) Section 106 water resource program including review and commenting on their work plans, quality assurance project plans, monitoring strategy, and water quality assessment reports. The Water Division will also provide technical advice for uploading water quality data into STORET. |   |  |  |

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| <b>Tribal Environmental Priority 4:</b> Implementation of a Non-point Source Management Plan.   |  |  |   |
| <b>Priority Description:</b> Much of the water quality impacts affecting Tribal waters are related to non-point sources of pollution from upstream sources. The Tribe also has an extensive commercial area (hotel/casino) and associated parking lots as well as agricultural lands; we would like to work toward minimizing our impacts on surrounding waters, especially the Mississippi River. Prairie Island initiated its non-point source management program and we have reached the implementation point within our NPS plan. In order to implement the objectives, we look to acquire competitive CWA Section 319 grants for on-the-ground programs. |  |  |   |
| <b>Primary Tribal Contact:</b> Margaret Obear, Non-Point Source Pollution Coordinator, (651) 385-4165, mobear@piic.org <b>Primary EPA Contact:</b> Janette Marsh, (312) 886-4856, marsh.janette@epa.gov   |  |  |   |
| <b>Long-Term Environmental Program Development Goals</b>  | <b>Intermediate Program Development Milestones</b> | <b>Plans to Manage Authorized Environmental Programs</b> | <b>EPA Assistance Needed to Accomplish Proposed Actions</b> |

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| Continue management of a base CWA Section 319 Non-point Source Pollution Program.<br><br>Obtain competitive funding for the implementation of Section 319 activities.  | Maintain a CWA Section 319 program to identify and reduce water pollution on the Reservation. This will include conducting assessments, updated a management strategy for the next 5 years (year 6-10 of the program), and conducting education and outreach activities.<br><br>Pursue competitive funding to implement components of the 319 | Authorization received for CWA Section 319. | Continued base funding to support FTE to complete intermediate milestones.<br><br>Provide competitive funding to support on the ground water quality improvement projects to achieve intermediate milestones. |
|  | management plan on the Reservation in order to reduce water pollution.  |   |   |
| <b>EPA Actions to Support Tribal Priority:</b> Water Division will, as resources and authorities allow under CWA Section 319, support the implementation activity identified by the Tribe for nonpoint source pollution control. |   |   |   |

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| <b>Tribal Environmental Priority 5:</b> Restore and maintain vital ecosystems on the Reservation.  |  |  |   |
| <b>Priority Description:</b> Much of the land on the Reservation has been disturbed in some form or another through the years. Activities such as agriculture, development, damming the Mississippi River, and introduction of invasive plant species have had negative impacts on native flora and fauna and the environment. We would like to restore some of the natural features such as native prairies, culturally important plants, and oak savannas. This restoration would provide for cultural activities such as hunting, fishing, and gathering of cultural and medicinal plants. We would also want to consider the effects of global climate change (see Priority 6 below) as we conduct restoration activities. |  |  |   |
| <b>Primary Tribal Contact:</b> Gabe Miller, Environmental Specialist, (651) 385-4141, gmiller@piic.org <b>Primary EPA Contact:</b> Ella Mulford, (312) 353-2022, mulford.eloise@epa.gov  |  |  |   |
| <b>Long-Term Environmental Program Development Goals</b>   | <b>Intermediate Program Development Milestones</b> | <b>Plans to Manage Authorized Environmental Programs</b> | <b>EPA Assistance Needed to Accomplish Proposed Actions</b> |

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| Develop an environmental restoration plan for disturbed lands on the Reservation in order to return them to a functioning, native ecosystem.  | Identify disturbed lands on the Reservation that are in need of environmental restoration such as native prairie, cultural and medicinal plant sites, and other significant sites that are important to the environmental and human health of the Community. Utilize environmental monitoring activities such as wildlife, plant, bird, and soil surveys to determine the health/level of degradation of these sites. | None at this time | Funding to support FTE to complete intermediate milestones. This includes conducting monitoring activities to determine the quality of these areas as well as coordination in the prioritization and implementation of restoration activities conducted under outside funding. |
| <b>EPA Actions to Support Tribal Priority:</b> EPA does not have a primary role in the management of lands or natural resources. The activities identified for this priority will not likely be eligible for funding under the Agency's statutory programs. The Indian Environmental Office is available to discuss with the Tribe specific proposed activities and how EPA programs may be able to support through technical assistance or through direct implementation responsibilities. |   |                   |  |

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| <b>Tribal Environmental Priority 6:</b> Conduct climate change adaptation planning on the Reservation.   |  |  |   |
| <b>Priority Description:</b> Several Tribes, EPA, and other federal and state agencies have begun training programs to assist Tribes in conducting their own climate change adaptation planning. Staff from PIIC has participated in some of these trainings and would like to continue with further trainings and begin the development of our own plan.                            |  |  |   |
| <b>Primary Tribal Contact:</b> Gabe Miller, Environmental Specialist, (651) 385-4141, gmiller@piic.org<br><b>Primary EPA Contacts:</b> ARD: Melissa Hulting, (312) 886-2265, hulting.melissa@epa.gov<br>WD: Peter Jackson, (312) 886-3894, jackson.peter@epa.gov<br>LCD: Dolly Tong, (312) 886-1019, tong.dolly@epa.gov<br>IEO: Ella Mulford, (312) 353-2022, mulford.eloise@epa.gov |  |  |   |
| <b>Long-Term Environmental Program Development Goals</b>   | <b>Intermediate Program Development Milestones</b> | <b>Plans to Manage Authorized Environmental Programs</b> | <b>EPA Assistance Needed to Accomplish Proposed Actions</b> |

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| Develop a strategy to address the current and future effects of climate change on the Reservation. This will include prioritization of these effects and possible activities to mitigate those effects.  | Participate in training and investigate the current and potential effects that climate change will have on the Reservation. | None | <p>Funding to support FTE to complete intermediate program milestones.</p> <p>Provide training to increase Tribal knowledge on programs and resources available to address climate change concerns and create a Tribal Climate Adaptation Plan.</p> |
| <p><b>EPA Actions to Support Tribal Priority:</b> The Air and Radiation Division (ARD) will provide support, contacts, and information as appropriate regarding strategies to reduce greenhouse gas emissions, including energy efficiency and renewable energy. Jointly with Water Division, ARD will provide information about adaptation resources available through EPA or other agencies to help facilitate the Tribe's adaptation planning. The Water Division will work with the Tribe to incorporate climate change considerations into its water program and/or monitoring strategy. This work will include sharing information on climate change monitoring, providing comments on revisions to the Tribe's monitoring strategy and related work plans, and promoting collaboration with other monitoring programs in the region and provide funding for projects to address climate change impact on the water quality/quantity resources. The Indian Environmental Office can coordinate with the Tribe to identify training related to climate change that could be provided at the annual Tribal Environmental Program Management Conference. The Land and Chemicals Division can assist the Tribe to develop a debris management plan or address other waste management issues in its climate change adaptation plan.</p> |   |      |   |

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| <b>Tribal Environmental Priority 7:</b> Reevaluate the Tribal Solid Waste Program.   |  |  |   |
| <p><b>Priority Description:</b> Solid waste management is important to environmental resources safe from contamination and thereby reducing potential human health risks. During the next three years we would like to determine if and how the Tribe's solid waste program can be improved through an evaluation and possible restructuring and community outreach.</p> |  |  |   |
| <p><b>Primary Tribal Contact:</b> Gabe Miller, Environmental Specialist, (651) 385-4141, gmillerr@piic.org <b>Primary EPA Contact:</b> LCD: Dolly Tong, (312) 886-1019, tong.dolly@epa.gov</p>   |  |  |   |
| <b>Long-Term Environmental Program Development Goals</b>   | <b>Intermediate Program Development Milestones</b> | <b>Plans to Manage Authorized Environmental Programs</b> | <b>EPA Assistance Needed to Accomplish Proposed Actions</b> |

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| Develop a Tribal Solid Waste Management Plan.  | Investigate the Reservation's current solid waste management activities and prioritize areas of solid waste concern. | None | Make available or communicate available training on Tribal Solid Waste Management issues as well as resources for the development and implementation of Solid Waste Management plans/activities. |
| <b>EPA Actions to Support Tribal Priority:</b> The Land and Chemicals Division can assist the Tribe to use EPA tools to develop the solid waste management plan and review the draft plan. |  |      |  |

### Section III: Implementation of the Federal Environmental Programs on the Reservation

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| Protecting Ambient Air Quality  |  |   |
| Primary Federal Statute: Clean Air Act  |  | Approved Federal Authorities: None  |
| National Ambient Air Quality Standards Attainment Status: Attainment/unclassifiable for all promulgated NAAQS   |  |   |
| Federally Regulated Facilities Identified within the Reservation: Major Sources [4]; Minor Sources [5] See Attachment 1.  |  |   |
| Primary EPA Contacts: General: Monika Lacka, (312) 353-6556, lacka.monika@epa.gov<br>Permits: Mike Langman, (312) 886-6867, langman.michael@epa.gov Primary Tribal Contact: Kyle Herdina, (651) 385-4165, kherdina@piic.org |  |   |
| Anticipated EPA Direct Implementation Activities  | Anticipated Tribal Activities to Support EPA Direct Implementation | Anticipated Tribal Activities to Apply for Program Approval/ Delegation or Build Program Capacity |

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| <p>Air and Radiation Division will issue Part 71 renewal permit for Treasure Island Resort and Casino Generation Facility [V-PI-27049000084-2012-10] by November 2018.</p> <p>Air and Radiation Division will complete minor source registrations and issue any required CAA Part 49 permits.</p> | <p>The Tribe will coordinate with EPA on reviewing the renewal permit for Treasure Island Resort and Casino.</p> <p>The Tribe will coordinate with EPA on reviewing any required CAA Part 49 permits.</p> <p>The Tribe will participate in the review and comment period of any newly promulgated NAAQS.</p> | <p>Continue application for funding under CAA Section 103.</p> <p>Pursue funding and implementation of a CAA Section 105 program.</p> |
| <p>3. Air and Radiation Division will make designations for any newly promulgated NAAQS.</p>  |  |   |

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| Protecting Surface Water and Wetlands  |  |   |
| Primary Federal Statute: Clean Water Act   |  | Approved Federal Authorities: CWA Section 106 water resources program, CWA Section 319 non-point source pollution program |
| Water Quality Standards Status: To be developed  |  |   |
| Federally Regulated Facilities Identified within the Reservation: NPDES permits [1]; municipal separate storm sewer systems [0]; multi-sector general permits for industrial facilities [0]; NPDES permits for pesticide applications to water; NPDES storm water construction general permits; sites subject to Section 404 review. See Attachment 1. |  |   |
| Primary EPA Contacts: NPDES Permits: John Colletti, (312) 886-6106, colletti.john@epa.gov<br>MSGP: Brian Bell, (312) 886-0981, bell.brianc@epa.gov<br>Non-point Source Pollution: Janette Marsh, (312) 886-4856, marsh.janette@epa.gov<br>Primary Tribal Contact: Kyle Herdina, (651) 385-4165, kherdina@piic.org                                      |  |   |
| Anticipated EPA Direct Implementation Activities   | Anticipated Tribal Activities to Support EPA Direct Implementation | Anticipated Tribal Activities to Apply for Program Approval/ Delegation or Build Program Capacity                         |

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| <p>On a quarterly basis, Water Division will review reports of NPDES permit discharge violations, and as appropriate take action to return dischargers to compliance with permit conditions.</p> <p>Water Division will notify NPDES permits 180 days prior to the expiration date that a renewal application should be submitted. Water Division will send a copy of the draft permit to the Tribe prior to public notice for review and comment.</p> <p>If Water Division identifies facilities that may be required to obtain coverage under the Multi-Sector General Permit for Storm</p> | <p>Maintain CWA Section 106 program to monitor water quality pollution on the Reservation and review NPDES permit discharge violations and MSGP permits.</p> <p>Maintain CWA Section 319 program to address non-point source pollution problems identified in the approved NPS Management Plan.</p> | <p>Continued application for funding of CWA 106 program.</p> <p>Continued application for funding under CWA 319 program.</p> <p>Application for CWA 319 competitive funding.</p> |
| <p>Water Discharges Associated with Industrial Activities, Water Division will begin notifying these facilities when the MSGP is reissued (May 2015) and assist facilities as necessary to obtain coverage. EPA will also conduct webinars to assist facilities with using the new electronic system to obtain coverage and submit required monitoring and reports.</p>   |   |  |

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| <b>Protecting Ground Water and Drinking Water</b>  |  |   |
| <b>Primary Federal Statute:</b> Safe Drinking Water Act  |  | <b>Approved Federal Authorities:</b> None |
| <b>Federally-Regulated Facilities Identified within the Reservation:</b> Public water supply systems [1]; Underground injection control wells [0]. See Attachment 1. |  |   |



| <b>Primary EPA Contacts:</b> Public Water Supply Systems: Kristina Bell, (312) 886-7489, bell.kristina@epa.gov<br>Underground Injection Control Wells: Ross Micham, (312) 886-4237, micham.ross@epa.gov <b>Primary Tribal Contact:</b> Kyle Herdina, (651) 385-4165, kherdina@piic.org   |   |  |
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| Anticipated EPA Direct Implementation Activities   | Anticipated Tribal Activities to Support EPA Direct Implementation  | Anticipated Tribal Activities to Apply for Program Approval/ Delegation or Build Program Capacity  |
| <p>Water Division will review required monitoring reports from public water supply systems, and if violations are noted work with the facilities to return to compliance.</p> <p>Indian Health Service conducts annual sanitary surveys at community water and wastewater systems and shares the results with Water Division.</p> <p>Water Division supports a contract with the Midwest Assistance Program to provide technical and capacity development assistance to tribes on drinking water issues.</p> | <p>Maintain CWA Section 106 program to monitor water quality pollution on the Reservation and review any violations and compliance reports from public water suppliers. This will include reviewing and updates the Tribe's Source Water Assessment and Source Water Protection Plan developed through the Midwest Assistance Program.</p> <p>Maintain CWA Section 319 program to address non-point source pollution problems identified in the approved NPS Management Plan.</p> | <p>Continued application for funding of CWA 106 program to increase water quality monitoring activities.</p> <p>Continued application for funding under CWA 319 program to develop a new 5 year NPS Management Plan.</p> <p>Application for CWA 319 competitive funding to implement pollution reduction activities.</p> |

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| <b>Managing Wastes and Underground Storage Tanks</b>   |   |
| <b>Primary Federal Statute:</b> Resource Conservation and Recovery Act   | <b>Approved Federal Authorities:</b> None |
| <b>Number of open dumps inventoried and reported to wSTARS Operations and Maintenance Data System:</b> 0   |   |
| <b>Federally-Regulated Facilities Identified within the Reservation:</b> RCRA C treatment, storage, disposal facilities [0]; RCRA C hazardous waste generators (active) [0]; RCRA D solid waste facilities [0]; RCRA I Underground Storage Tanks [1]; RCRA I Leaking Underground Storage Tanks [0] See Attachment 1. |   |
| <b>Primary EPA Contacts:</b> Solid Waste: Dolly Tong, (312) 886-1019, tong.dolly@epa.gov<br>Underground Storage Tanks: Sherry Kamke, (312) 353-5794, kamke.sherry@epa.gov <b>Primary Tribal Contact:</b> Gabe Miller, (651) 385-4141, gmiller@piic.org   |   |

| Anticipated EPA Direct Implementation Activities   | Anticipated Tribal Activities to Support EPA Direct Implementation   | Anticipated Tribal Activities to Build Program Capacity  |
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| Land and Chemicals Division will ensure that the underground storage tanks are inspected by an EPA inspector or a federally credentialed tribal inspector at least once every three years, and if violations are noted work with the facility to return to compliance. | The Tribe's GAP Coordinator will coordinate with the EPA inspector on inspecting the Tribe's underground storage tanks and work with the gas station manager to ensure compliance. | The Tribe's Environmental staff will attend trainings and continue correspondence with EPA technical staff to increase knowledge on Underground Storage Tank issues. |

| Site Response and Emergency Preparedness Planning   |  |  |
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| <b>Primary Federal Statutes:</b> Comprehensive Environmental Response, Compensation and Liability Act; Emergency Planning and Community Right-to-Know Act; Small Business Liability Relief and Brownfields Revitalization Act; Clean Air Act; Clean Water Act   |  | <b>Approved Federal Authorities:</b> Not applicable                                  |
| <b>Formal Organization under EPCRA:</b> Tribal Emergency Response Commission  |  |  |
| <b>Federally-Regulated Facilities Identified within the Reservation:</b> Facilities that must report to LEPC/TERC [0]; facilities required to develop risk management plans under CAA Section 112(r) [0]; oil storage facilities regulated under Spill Prevention Control and Counter Measures Rule [0]; CERCLA emergency response and removal actions [0]; NPL site assessment/remediation [0] |  |  |
| <b>Primary EPA Contact:</b> Rosita Clarke, (312) 886-7251, clarke.rosita@epa.gov <b>Primary Tribal Contact:</b> Gabe Miller, (651) 385-4141, gmiller@piic.org   |  |  |
| Anticipated EPA Direct Implementation Activities  | Anticipated Tribal Activities to Support EPA Direct Implementation                                       | Anticipated Tribal Activities to Build Program Capacity                              |
| There are currently no EPA implementation activities specifically identified for this   | Tribal Environmental staff will continue to coordinate with EPA and other agencies on emergency planning | Attend training and participate in emergency preparedness activities to increase the |

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| Reservation. (As new regulated facilities are identified, additional federal requirements promulgated, or conditions on the Reservation change, EPA may exercise additional regulatory authorities or provide other assistance to the Tribe.) | preparedness activities. | Tribe's capabilities in responding to an emergency situation. |
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| Managing Pesticides and Toxics (Lead-Based Paint and Asbestos)  |   |  |
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| <b>Primary Federal Statutes:</b> Federal Insecticide, Fungicide and Rodenticide Act; Emergency Planning and Community Right-to-Know Act; Toxic Substances Control Act; Asbestos Hazard Emergency Response Act   |   | <b>Approved Federal Authorities:</b> None  |
| <b>Federally-Regulated Facilities Identified within the Reservation:</b> Please note that EPA has not identified specific establishments on the reservation that may be regulated by FIFRA. Establishments that may be identified in the future and would be regulated under FIFRA include: registered pesticide producing establishments; bulk agrichemical terminals; bulk agrichemical dealers; warehouses; marketplace establishments or any other place that distributes, sells, or holds pesticides. Additionally, businesses or individuals that handle and apply pesticides that are classified by EPA as restricted use, are regulated under FIFRA. The Tribe should notify EPA if such establishments or restricted use pesticide applicators are found. Facilities required to report under the Toxic Release Inventory (EPCRA Section 313) [0]; K-12 schools subject to AHERA [0] |   |  |
| <b>Primary EPA Contacts:</b> Lead-Based Paint: Emma Avant, (312) 886-7899, avant.emma@epa.gov<br>Pesticides: Amy Mysz, (312) 886-0224, mysz.amy@epa.gov<br>Asbestos: Pamela Grace, (312) 353-2833, grace.pamela@epa.gov<br>TRI: Meghan Dunn, (312) 886-6191, dunn.meghan@epa.gov <b>Primary Tribal Contact:</b> Gabe Miller, (651) 385-4141, gmiller@piic.org   |   |  |
| <b>Anticipated EPA Direct Implementation Activities</b>   | <b>Anticipated Tribal Activities to Support EPA Direct Implementation</b> | <b>Anticipated Tribal Activities to Apply for Program Approval/ Delegation or Build Program Capacity</b> |

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| There are currently no EPA implementation activities specifically identified for this Reservation. (As new regulated facilities are identified, additional federal requirements promulgated, or conditions on the Reservation change, EPA may exercise additional regulatory authorities or provide other assistance to the Tribe.) | The Tribe's Environmental staff will work on identifying and documenting the use of pesticides on the Reservation. | Attend training to increase knowledge of pesticides and toxics and EPA programs that regulate these chemicals. |
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